

**PATENT**

Attorney Docket No. 227832

Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

URATA et al.

Application No. 10/802,280

Group Art Unit: unassigned

Filing Date: March 17, 2004

Examiner: unassigned

For: METHOD FOR INCREASING THE
BIOAVAILABILITY OF THE ACTIVE FORM
OF S-[2-([1-(2-ETHYLBUTYL)
CYCLOHEXYL]CARBONYL)AMINO)
PHENYL] 2-METHYLPROPANETHIOATE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that any reference listed thereon is prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that they represent art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Information Disclosure Statement, including any documents or materials referred to thereon on being attached or enclosed, is, on the date indicated below,			
<input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or			
<input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office.			
Name (Print/Type)		Peter J. Phillips	
Signature		Peter J. Phillips	Date April 7, 2004

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the references are not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); (b) within three months of the date of entry of the national stage as set forth in § 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under § 1.113, a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below).
and
- ☐ the fee of \$180 set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under § 1.97(e) (see "Statement under § 1.97(e)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under § 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under § 1.704(d) (see "Statement under § 1.704(d)" below), and the fee of \$180 as set forth in § 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with §§ 1.97 and 1.98 is being filed.

Copies of the References

- ☐ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of its relevance pursuant to § 1.98(a)(3).
- ☒ This patent application was filed after June 30, 2003. Accordingly, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.

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- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of a foreign search report from a counterpart foreign application is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and a copy of each reference was furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with § 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC § 120 in which copies of the reference were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under § 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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Statement under § 1.704(d)

- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180** under § 1.17(p) is enclosed herewith.

Method Of Payment Of Fees

- ☐ Attached is a check in the amount of \$.
☐ Charge Deposit Account No. 12-1216 in the amount of . (A duplicate copy of this communication is enclosed for that purpose.)

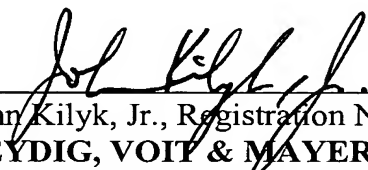
Authorization To Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions As To Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund.

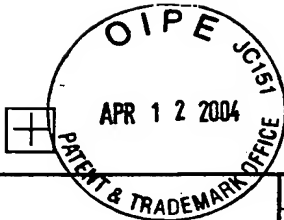
Respectfully submitted,



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Date: April 7, 2004

Please type a plus sign (+) inside this box →



PTO/SB/08A/B (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/802,280
				Filing Date	March 17, 2004
				First Named Inventor	URATA, Yasuo
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	227832

U.S. PATENT DOCUMENTS								
Examiner Initials ¹	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Filing Date If Appropriate
		Patent Number	Kind Code					
	AA	6,426,365		Shinkai et al.	07-30-2002			

FOREIGN PATENT DOCUMENTS										
Examiner Initials ¹	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	Translation	
		Office	Number	Kind Code					Yes	No*

OTHER - NON PATENT LITERATURE DOCUMENTS					Translation	
Examiner Initials ¹	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.			Yes	No*
	AB	de GROOTH et al., <i>Circulation</i> , 105, 2159-2165 (May 7, 2002).				
	AC	KATO et al., <i>J. Biol. Chem.</i> , 264, 4082-4087 (March 5, 1989).				
	AD	KOBAYASHI et al., <i>Atherosclerosis</i> , 162, 131-135 (2002).				
	AE	OKAMOTO et al., <i>Nature</i> , 406, 203-207 (July 13, 2000).				
	AF	SHIMADA et al., <i>J. Chromatogr. B</i> , 659, 227-241 (September 23, 1994).				
	AG	SHINKAI et al., <i>J. Med. Chem.</i> , 43, 3566-3572 (September 21, 2000).				
	AH	TOLLEFSON et al., <i>Methods Enzymol.</i> , 129, 797-816 (1986).				
	AI	U.S. Code of Federal Regulations, Title 21, Section 320.1 (2001 ed.).				
	AH	WELLING, <i>Clin. Pharmacokinet.</i> , 9 (1), 404-34 (January/February 1984).				

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner Signature		Date Considered	
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.